

(SSI)” among other information. The notice gave him until December 12, 2018 to provide the requested information.⁴ Mr. N did not respond to the Division’s request for information by its deadline of December 12, 2018. He partially complied with the Division’s request for information on December 31, 2018. He, however, did not provide the Division with proof that he applied for SSI. The Division’s computer interface with the Social Security showed, as of January 3, 2019, that his last application for SSI was denied in 2012, and that he did not have an active application for SSI.⁵ On January 4, 2019, the Division notified Mr. N that it was denying his application because he had not provided it with some of the requested information, including proof that he had applied for SSI.⁶

Mr. N credibly testified that he had an open application with the Social Security Administration for SSDI, and that no one, including Division personnel, had explained to him that there was a difference between SSDI and SSI, and that he thought his open application for SSDI complied with the Division’s requirement that he apply for SSI.⁷ Mr. N also did not provide the Division with evidence that he had applied for SSDI.⁸ Mr. N was not told of the difference between SSDI and SSI, nor of the proper procedure to follow until January 19, 2019.⁹ Mr. N filed for SSI on January 24, 2019.¹⁰

III. Discussion

APA benefits consist of a cash payment made to eligible individuals who are 65 years old or older, or who are disabled according to SSI standards.¹¹ Individuals, such as Mr. N, who are under the age of 65 and who meet certain financial criteria, are required to apply for SSI within 30 days of applying for APA.¹² In addition, an applicant is required to furnish the Division with proof of their eligibility.¹³

It is undisputed that Mr. N did not furnish the Division with proof that he applied for SSI by its deadline of December 12, 2018. Indeed, he could not do so because he had not yet applied

⁴ Ex. 3.1.

⁵ Ex. 4.

⁶ Ex. 5.

⁷ Mr. N’s testimony.

⁸ Ex. 4.

⁹ Mr. N’s testimony.

¹⁰ Ex. 15 (copy of printout from the Division’s interface with the Social Security Administration, filed by the Division on February 13, 2019, showing that Mr. N had applied for SSI on January 24, 2019).

¹¹ AS 47.25.430; 7 AAC 40.030(a); 7 AAC 40. 120.

¹² 7 AAC 40.060(a).

¹³ 7 AAC 40.050(a).

for SSI and did not do so until January 24, 2019. While Mr. N was not aware of the difference between SSDI and SSI,¹⁴ and it is highly unfortunate that no one took the time to explain that difference to him until after his application was denied, the notice advising him of the need to furnish proof of the application explicitly referred to “Supplemental Security Income (SSI)” and did not mention SSDI. As a result, Mr. N was on notice of the need to provide proof of application for SSI and did not do so. Because an application for SSI is part of the eligibility requirements for APA, the lack of a response meant that Mr. N did not demonstrate that he met those eligibility requirements. Indeed, he could not because he did not file for SSI until after his application was denied. Consequently, the Division correctly denied his application due to his failure to provide the requested information.

IV. Conclusion

The Division’s denial of Mr. N’s application for APA due to his lack of a timely response to its request for proof that he filed for SSI is AFFIRMED.

Dated: March 26, 2019

By: Signed
Signature
Lawrence A. Pederson
Name
Administrative Law Judge
Title

[This document has been modified to conform to the technical standards for publication. Names may have been changed to protect privacy.]

¹⁴ SSDI is an earned benefit available to disabled persons who have paid into the Social Security System. The specific eligibility requirements, including when the payments were made and number of those payments relative to the date of the SSDI application are contained in Title II of the Social Security Act, and its accompanying regulations. SSI is a benefit available to disabled persons, including children, who have either not paid into the Social Security System or whose payments are insufficient or were made too long ago to qualify for SSDI. The eligibility requirements for SSI benefits are contained in Title XVI of the Social Security Act and its accompanying regulations.

Adoption

The undersigned, by delegation from the Commissioner of Health and Social Services, adopts this Decision, under the authority of AS 44.64.060(e)(1), as the final administrative determination in this matter.

Judicial review of this decision may be obtained by filing an appeal in the Alaska Superior Court in accordance with Alaska R. App. P. 602(a)(2) within 30 days after the date of this decision.

DATED this 8th day of April, 2019.

By: Signed
Signature
Lawrence A. Pederson
Name
Administrative Law Judge
Title

[This document has been modified to conform to the technical standards for publication. Names may have been changed to protect privacy.]